

fair, impartial, and dignified proceedings in the trial of the articles of impeachment;

Whereas the Senate and the Nation are indebted to Chief Justice Rehnquist for his distinguished and valued service in fulfilling his constitutional duty to preside over the Senate in the trial of the articles of impeachment: Now, therefore, be it

Resolved, That the Senate expresses its profound gratitude to William H. Rehnquist, Chief Justice of the United States, for his distinguished service in presiding over the Senate, while sitting on the trial of the articles of impeachment against William Jefferson Clinton, President of the United States.

SEC. 2. The Secretary shall notify the Chief Justice of the United States of this resolution.

Mr. LOTT. Mr. Chief Justice, on behalf of myself and the entire U.S. Senate, we want to offer you our thanks and the gratitude of the American people for your service to the Nation and throughout this Impeachment Court and to this institution.

As our Presiding Officer during most of the last 5 weeks, you have brought to our proceedings a gentle dignity and an unflinching sense of purpose, and sometimes sense of humor.

The majority leader realized when it was time to take a break and not to take a break when the Chief Justice said let's go forward.

By placing duty above personal convenience and many other considerations, you have taught a lesson in leadership. Your presence in the chair of the President of the Senate, following the directives of our Constitution, gave comity to this Chamber and assurance to the Nation. I would like to close with our traditional Mississippi parting: Y'all come back soon. But I hope that is not taken the wrong way, and not for an occasion like this one.

So instead, as you return to your work on the Court in the great marble temple of the law right across the lawn from this Capitol, we salute you, sir, with renewed appreciation and esteem for a good friend and good neighbor.

PRESENTATION OF THE GOLDEN GAVEL AWARD

Now, Mr. Chief Justice, if the Democratic leader will join me, we have a small token of our appreciation. We have a tradition in the Senate that after you have presided over the Senate for 100 hours, we present you with the Golden Gavel Award. I am not sure it quite reached 100 hours, but it is close enough.

The CHIEF JUSTICE. It seemed like it.

(Applause, Senators rising.)

Mrs. HUTCHISON. Mr. President, I wish to add my thanks to the Chief Justice for his untiring efforts throughout the impeachment trial and to commend him for his dignity, fairness, and humor.

Mr. KYL. I add my expression of appreciation to the Chief Justice and the officers of the court who had a role in this proceeding—the House managers, the counsel for the White House, and

Independent Counsel Kenneth Starr—for their honorable service.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the February 5, 1999, affidavit of Mr. Christopher Hitchens; the February 7, 1999, affidavit of Ms. Carol Blue; and the affidavit of Mr. R. Scott Armstrong be admitted into evidence in this proceeding and the full written transcripts of the depositions taken pursuant to S. Res. 30 be included in the public record of the trial. This matter has been cleared on both sides of the aisle.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT

Mr. LOTT. Now, Mr. Chief Justice, I move that the Senate, sitting as a Court of Impeachment on the articles exhibited against William Jefferson Clinton, adjourn sine die.

The motion was agreed to, and at 12:43 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

LEGISLATIVE SESSION

ESCORTING OF THE CHIEF JUSTICE

Mr. LOTT. The committee will go to the podium to escort the Chief Justice from the Chamber.

Whereupon, the Committee of Escort: Mr. THURMOND, Mr. ROTH, Mr. DOMENICI, Mr. SARBANES, Mr. MOYNIHAN, and Mrs. LINCOLN, escorted the Chief Justice from the Chamber.

The PRESIDING OFFICER (Mr. ENZI). The Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Sergeant at Arms escorted the House managers from the Chamber.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order. The majority leader.

Mr. LOTT. Mr. President—I almost called you Mr. Chief Justice; I have to get used to this, going back to "Mr. President"—before Senator FEINSTEIN is recognized, I must take just a moment further to recognize a few individuals, and I know Senator DASCHLE would like to do that. In addition to the Chief Justice and his assistants who were here throughout—

Mrs. HUTCHISON. Mr. President, I believe the White House attorneys should have the same privilege of being escorted out.

Mr. LOTT. I think we will ask Senator NICKLES to handle that. (Laughter.)

The PRESIDING OFFICER. The White House counsel will be escorted from the Chamber.

Whereupon, White House counsel were escorted from the Chamber.

THANKING SENATE STAFF

Mr. LOTT. Mr. President, if I could resume, I thank the assistants who came with the Chief Justice from the Supreme Court. I thank the Secretary of the Senate, Gary Sisco; the Sergeant at Arms, Jim Ziglar; and the Deputy Sergeant at Arms, Loretta Symms, who also gave us our instructions—the first time in history, I am sure, that a woman called the Senate to order.

I would like to thank the secretary of the majority, Elizabeth Letchworth; counsel of the Senate, Tom Griffith, and deputy Morgan Frankel, our special impeachment counsel, Mike Wallace; my chief of staff, Dave Hoppe—who has just been tremendous and worked untold hours—and also all of our assistants at the desk—and especially our friend Scott Bates—for their wonderful work. I want the RECORD to reflect how much we appreciate the dedication and the long hours, the patience, and the competence of all these staff members.

I would like to yield to Senator DASCHLE for his comments in this area.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I know I speak for all of my colleagues on this side of the aisle, sharing the expressions of gratitude that Senator LOTT has just articulated for all of our staff. They have done a remarkable job. He mentioned all those who work for all of us. Let me mention a couple of people who work for those of us on this side: Bob Bower, Bill Corr, Pete Rouse, Marty Paone, and so many people who were particularly responsible for the fact that we were able to conduct our work so effectively throughout this very difficult challenge.

So on behalf of the Democratic Caucus, we join with Senator LOTT in expressing our deep sense of gratitude for the great, great job that they have done in these difficult weeks that we have now concluded.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

APPRECIATION TO THE LEADERSHIP

Mr. CHAFEE. I wonder if this isn't an appropriate time to express our appreciation to our two leaders for guiding us through these very difficult times.

(Applause, Senators rising.)

CENSURE RESOLUTION

Mr. ASHCROFT. Mr. President, the debate we will be having in the Senate is on whether to suspend the rules of the Senate to consider a resolution censuring the President's conduct.

A motion will be made to indefinitely postpone the motion to suspend the rules. These votes will occur before Senators have the opportunity to

amend the resolution censuring the President's conduct.

I take the floor of the Senate to make clear that I am opposed to a censure resolution of President Clinton.

The Impeachment Trial of President William Jefferson Clinton is over. The Senate has faithfully discharged its constitutional obligation by serving as impartial jurors of the Articles of Impeachment approved by a bipartisan majority of the U.S. House of Representatives.

The Senate has rendered its verdict, and has found the President not guilty as charged. The consequence of this action by the Senate is to keep the President in office where he is to fully and faithfully discharge the constitutional duties of his office.

The trial is over. It is time for the Senate to focus on the national legislative agenda.

On this last point, I chose my words carefully. I did not say it is time for the Senate to turn to the people's business.

Some have said we should not have had the trial or should have adjourned the trial much earlier so that we could turn to the people's business.

I reject that notion. I firmly believe that conducting the trial was doing the people's business.

But the truth is the trial is over. I do not see any place for the pending resolution censuring the President. It is not the business of the Senate to punish President Clinton.

As Senator BYRD has concluded censure, unlike impeachment, is "extra-constitutional." The Constitution empowers the Senate to try a President impeached by the House and remove him if 67 Senators agree.

The Constitution does not empower the Senate to punish a President, in the absence of 67 votes to remove. The impeachment trial is over.

The Senate should move on and leave President Clinton alone.

The Constitution recognizes that if a President cannot be removed through impeachment, he should not be weakened by censure. Although the Senate passes sense of the Senate resolutions on many subjects, censure is different because the Constitution requires a 2/3 vote before the Senate can discipline the President and requires removal upon conviction for impeachable offenses. Censure is an effort to end-run these constitutional requirements.

One final problem is that any censure resolution will have to be weak. Even proponents of censure concede that a censure resolution that actually punished the President would be an unconstitutional bill of attainder. Any censure that is consistent with the Bill of Attainder Clause is too weak to be worth doing.

The highest form of censure the Constitution allows is impeachment by the House. The failure to convict the Presi-

dent will not erase that action by the House. It is time for the Senate to move on.

If the effort to suspend the rules passes, and the text of the censure resolution is before the Senate, and is amendable, I will seek recognition to offer the following substitute, and I quote:

After the word "*Resolved*" strike everything and insert the following:

"That the United States Senate at the earliest opportunity will consider and have final votes on legislation favorably reported by its committees that—

(1) reduces taxes so that Americans no longer pay record high levels of federal income taxes;

(2) prohibits the financial surplus in the Social Security Trust Funds from financing additional deficit spending in the operating budget of the United States Government;

(3) increases funds and flexibility for programs that local school districts and their parents, teachers and principals believe will enhance teaching and learning;

(4) offers comprehensive responses to juvenile justice needs and criminal drug abuse, including increased penalties for adults who use minors in the commission of crimes, increased penalties for drug trafficking, and greater resources for local law enforcement agencies to stop methamphetamine trafficking.

(5) improves military pay to reduce sharp declines in attracting new and keeping well-qualified soldiers in the all-volunteer Armed Forces."

This substitute resolution speaks for itself. This resolution sets the Senate on the right course for the Senate to accomplish the legislative priorities of this nation.

These priorities include:

Congress this year should direct the budget surplus to where it belongs, and that is to the people whose hard work produced the surplus.

That means Congress should cut taxes. Americans should no longer pay record high levels of federal income taxes.

The average household paid 25 percent of its income in taxes (federal, state, and local) and 30 percent of every additional dollar earned by a four-person median income household of \$55,000 will go to pay taxes.

The typical American family spends more money on taxes than on food, clothing, and shelter combined. Each year Americans work four months and 10 days just to pay their taxes. The tax burden is getting worse, not better. For the past five years, tax payments have grown faster than salaries. Total federal taxes in 1997 were the highest since World War II.

Second, Congress should protect Social Security.

The best action we can take now to protect the economic security of tomorrow's retirees is to protect current surpluses from government raiding.

Using these surpluses to pay down our debt will put our country in the best possible financial position to meet our future obligations.

Third, we should improve education by increasing funds and flexibility for programs that local school districts and their parents, teachers and principals believe will enhance teaching and learning.

The Department of Education requires over 48.6 million hours worth of paperwork to receive federal dollars. This bureaucratic maze takes up to 35% of every federal education dollar.

Local school districts could find far better uses of the \$10-\$12 billion Washington spends. With direct funding, local schools could deploy resources to areas they deem most crucial for their students, such as hiring new teachers, raising teacher salaries, buying new textbooks or new computers.

Fourth, Congress must fight crime and drug abuse.

While in the last few years the violent crime rate has declined, it remains at levels that are far too high. In 1960, 159 violent crimes per 100,000 inhabitants were reported; in 1997, 611 were reported. In short, violent crime has quadrupled since 1960.

Drug abuse, especially use of methamphetamines, is also at dangerous levels. Public health and law enforcement officials believe that meth is more dangerous and addictive than cocaine and heroin. Communities are being devastated and the problem is growing exponentially. In 1994, DEA agents in Missouri seized 14 clandestine meth labs. Last year, they seized 421 labs.

Meth use is dangerous, threatens our children and causes users to commit other crimes. Among 12th graders, the use of ice, a smokeable form of meth, has risen 60 percent since 1992. Meth-related emergency room incidents are up 63 percent over this same period.

Fifth, Congress should improve military pay to reduce sharp declines in attracting new and keeping well-qualified soldiers in the all-volunteer Armed Forces.

1999 marks the 14th straight year of decline in real dollars spent on our national defense. The number of active duty personnel is down 30% since 1991. Despite these reductions, the military is being asked to do more than it did during the Cold War.

CONCLUSION

In writing these principles, I strived for bipartisan agreement. I believe many, if not all of these, principles have been articulated as priorities on both sides of the aisle.

I did not include my own proposals for accomplishing these objectives. The details of these principles can and should be worked out by the committees of the Senate, and then by the full Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

RESOLUTION OF CENSURE

Mrs. FEINSTEIN. Mr. President, I move to proceed to my censure resolution which is at the desk.

The text of the motion reads as follows:

I move to suspend the following:

Rule VII, paragraph 2 the phrase "upon the calendar", and;

Rule VIII, paragraph 2 the phrase "during the first two hours of a new legislative day".

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to object. This resolution is not on the Calendar. Therefore, it is not in order to present it to the Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, in light of that objection, I move to suspend the rules, the notice of which I printed in the RECORD on Monday, February 8, in order to permit my motion to proceed.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I send a motion to the desk, a motion to indefinitely postpone the consideration of the Feinstein motion.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. GRAMM. Mr. President, I ask that reading of the motion be dispensed with, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas, Mr. GRAMM. The yeas and nays have been ordered. The clerk will call the roll.

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—43

Allard	Frist	Nickles
Ashcroft	Gramm	Roberts
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith Bob
Byrd	Hatch	Specter
Campbell	Helms	Stevens
Cochran	Hutchinson	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Mack	Warner
Enzi	McCain	
Fitzgerald	Murkowski	

NAYS—56

Abraham	Baucus	Bennett
Akaka	Bayh	Biden

Bingaman	Harkin	McConnell
Boxer	Hollings	Mikulski
Breaux	Hutchison	Moynihan
Bryan	Inouye	Murray
Chafee	Jeffords	Reed
Cleland	Johnson	Reid
Collins	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Roth
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Smith Gordon H
Edwards	Leahy	Snowe
Feingold	Levin	Torricelli
Feinstein	Lieberman	Wellstone
Gorton	Lincoln	Wyden
Graham	Lugar	

NOT VOTING—1

Domenici

The PRESIDING OFFICER (Mr. INHOFE). On this vote, the yeas are 43, the nays are 56. Two-thirds of the Senators not having voted in the negative, the motion to suspend is withdrawn and the Gramm point of order is sustained. The Feinstein motion to proceed falls.

Mr. SPECTER. Mr. President, between the time I made my statement in the closed Senate deliberations on February 11th and the time I cast my vote on February 12th, I consulted with the Parliamentarian and examined the Senate precedents and found that if I voted simply "not proven," that I would be marked on the voting roles as "present." I also found that a response of "present," and inferentially the equivalent of "present," could be challenged and that I could be forced to cast a vote of "yea" or "nay."

I noted the precedent on June 28, 1951, recorded on pages 7403 and 7404 of the CONGRESSIONAL RECORD, when Senator Benton of Connecticut and Senator Lehman of New York voted "present" during a roll call vote. Senator Hickenlooper of Iowa challenged these votes and argued that a senator must vote either "yea" or "nay" unless the Senate votes to excuse the senator from voting. Senator Hickenlooper's challenge was upheld, and the Senate voted against excusing these Senators from voting by a vote of 39 to 35 in the case of Senator Lehman and a vote of 41 to 34 in the case of Senator Benton.

I also noted the precedent on August 3, 1954, on page 13086 of the CONGRESSIONAL RECORD, when Senator Mansfield of Montana voted "present" during a roll call vote. Senator Cordon of Oregon objected and asked that the Senate vote on whether Senator Mansfield should be excused from voting. By voice vote, the Senate voted against excusing Senator Mansfield from voting.

In order to avoid the possibility that some Senator might challenge my vote, I decided to state on the Senate floor, "not proven, therefore not guilty," when my name was called on the roll call votes on Article I and Article II of the Articles of Impeachment. That avoided the possibility of a challenge and also more accurately recorded my vote as "not guilty" since I

did not wish to be recorded as merely "present."

(Under a previous unanimous consent agreement, the following statements pertaining to the impeachment proceedings were ordered printed in the RECORD:)

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. GORTON. Mr. President, the statement that I am placing in the record is the statement I would have given had I been permitted to speak longer and in open session. During our closed deliberations, I gave a similar, but abridged statement.

For almost two years, the President of the United States was engaged in what he has come to describe as an "inappropriate intimate" relationship with a young woman who came to his attention as a White House intern. He then lied about their relationship, publicly, privately, formally, informally, to the press, to the country, and under oath, for a period of about a year.

This course of conduct requires us to face four distinct questions.

First, we must determine if the material facts alleged in the Articles of Impeachment have been established to our satisfaction.

Second, do the established facts constitute either obstruction of justice or perjury, or both?

Third, are obstruction of justice and perjury high Crimes and Misdemeanors under the Constitution?

And, fourth, even if the acts of the president are high Crimes and Misdemeanors, are they of sufficient gravity to warrant his conviction if it allows of no alternative other than his removal from office?

The first article of impeachment alleges that the President committed perjury while testifying before the Starr grand jury. Although the House Managers assert that his testimony is replete with false statements, it is clear, at the least, that his representations about the nature and details of his relationship with Miss Lewinsky are literally beyond belief.

From November 1995, until March 1997, the President engaged in repeated sexual activities with Monica Lewinsky, who was first a volunteer at and then an employee of the White House and eventually the Pentagon. Though he denies directly few of her descriptions of those activities, he testified under oath that he did not have "sexual relations" with her. His accommodation of this paradox is based on the incredible claim that he did not touch Miss Lewinsky with any intent to arouse or gratify anyone sexually, even though she performed oral sex on him.

It seems to me strange that any rational person would conclude that the